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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,302	06/12/2000	Ryan A. Danner	CIS00-2410	5363

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EXAMINER

BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
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2143

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DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PRQ

Office Action Summary	Application No.	Applicant(s)	
	09/592,302	DANNER ET AL.	
	Examiner	Art Unit	
	Alina N Boutah	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment received December 3, 2003. Claims 38-41 have been newly added. Claims 1-41 are therefore pending in the present application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication No. 2002/0164000 by Cohen et al (hereby Cohen) in view of USPN 6,501,832 issued to Saylor et al (hereby Saylor).

Regarding claim 1, Cohen teaches in a server, a method for providing information suitable for audio output, the method comprising:

receiving a first set of information over a network based on a request for the first set of information [Abstract; 0011-0012];

accessing a marked document in response to receiving the first set of information [0035];
and

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generating a second set of information suitable for audio output based on the first set of information and the tagged document [Abstract; 0011-0012].

Cohen fails to explicitly teach accessing a “tagged” document. Saylor teaches accessing a tagged document (col. 18, lines 45-65). At the time the invention was made, one of ordinary skill in the art would have been motivated to access a tagged document in order to facilitate user in obtaining the specified document.

Regarding claim 2, Cohen teaches the method of claim 1, wherein: the step of receiving the first set of information comprises receiving a web page based on a Uniform Resource Locator (URL) request for the web page [Abstract; 0011-0012].

However, Cohen fails to expressly teach: the step of accessing the tagged document comprises accessing an Extensible Markup Language (XML) document; and the step of generating the second set of information comprises generating filtered web content suitable for audio output based on the web page and the XML document.

Saylor teaches the step of accessing the tagged document comprising accessing an Extensible Markup Language (XML) document (col. 2, lines 4-16; col. 4, lines 46-58; col. 8, lines 14-36; col. 10, lines 17-28); and the step of generating the second set of information comprising generating filtered web content suitable for audio output based on the web page and the XML document (col. 8, lines 14-36).

At the time the invention was made, one of ordinary skill in the art would have been motivated to combine the teaching of Cohen with the teaching of Saylor by incorporating the use of XML-based audio output in order to make it possible users to interact with web servers by

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telephones, thus allowing users to access information without having to purchase new equipments (col. 1, lines 40-50).

Regarding claim 3, Cohen teaches the method of claim 1, wherein the step of receiving the first set of information based on a request for the first set of information comprises the steps of: receiving speech information specifying the first set of information [0026]; generating a text request for the first set of information based on an acoustic speech recognition technique applied to the speech information [figure 6; 0049-0050][, and submitting the text request over the network [0049].

Regarding claim 4, Cohen teaches the method of claim 3, wherein the step of generating the text request comprises interpreting at least one primitive construct based on the speech information [0022].

Regarding claim 5, Cohen the method of claim 4, further comprising the step of generating at least one additional primitive construct based on a request for a user-defined command [0011].

Regarding claim 6, Cohen teaches the method of claim 3, wherein the step of generating the text request comprises applying a case-logic technique to the speech information [0022].

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Regarding claim 7, Cohen teaches the method of claim 1, wherein the step of accessing the tagged document in response to receiving the first set of information comprises: determining an identity of the request for the first set of information, and accessing the tagged document based on the identity of the request [0030; 0035].

Regarding claim 8, Cohen teaches the method of claim 7, wherein the identity of the request is based on the least one of an identifier for an originator of the request and the identifier for a destination of the request [0035].

Regarding claim 9, Cohen teaches the method of claim 1, wherein the step of generating the second set of information suitable for audio output comprises: selecting at least one portion of the first set of information that is suitable for audio output; and generating the second set of information based on selecting the east least one portion of the first set of information [0035].

Regarding claim 10, Cohen teaches the method of claim 1, wherein the step of generating the second set of information suitable for audio output comprises: generating text data suitable for audio output based on the first set of information and the tagged document, and generating audio based on the text data [0035-0036].

Regarding claim 11, Cohen teaches the method of claim 10, wherein the step of generating the text data suitable for audio output comprises generating at least one response and

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the step of generating the audio data based on the text data comprises applying a text-to-speech (TTS) technique to the at least one response [0022].

Regarding claim 12, Cohen teaches the method of claim 1 wherein the step of accessing the tagged document is performed based on the request for the first set of information and approximately concurrently with the step of receiving the first set of information [0035].

Regarding claim 13, Cohen teaches the method of claim 1, wherein each of the first set of information, the tagged document and the second set of information is at least one of a Hypertext Markup Language (HTML) page, and Extensible Markup Language (XML) page, a Virtual Reality Modeling Language (VRML) page, and a Standard Generic Markup Language (SGML) page [0034].

Regarding claim 14, the combination of Cohen and Saylor teaches a system for providing information suitable for audio output, the system comprising: a document database configured for storing a plurality of tagged documents (Saylor: figure 1); and a server comprising an executable resource, wherein the executable resource performs functions similar to those of claim 1 (please see claim 1 rejection above).

Claims 15-26 are similar to claims 2-13, respectively, therefore are also rejected under the same rationale.

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Claim 27-28, 29-30, 31-32 are similar to claims 1 and 2, respectively, therefore are also rejected under the same rationale.

Regarding claim 33, the combination of Cohen and Saylor teaches a method for navigating a web by voice in a server configured for executing voice web applications, the method comprising limitations similar to those of claims 1 and 2 combined, therefore are rejected under the same rationale.

Claim 34 is similar to claim 3, therefore is rejected under the same rationale.

Claims 35-37 are similar to claims 7, 8, and 10, respectively, therefore are rejected under the same rationale.

(New) Regarding claim 38, Cohen teaches the method of claim 1 wherein the method of accessing a tagged document comprises accessing a plurality of tagged documents, the plurality of tagged documents to define user interface logistics and operate the server [0035]; and wherein the method of generating a second set of information comprises generating a second set of information suitable for audio input based on the first set of information and the plurality of tagged documents [Abstract; 0011-0012; 0035].

(New) Regarding claim 39, Cohen teaches the method of claim 38 wherein the plurality of tagged documents includes at least one menu document, at least one activity document, at least one decision document and at least one application state document [figures 1-6].

(New) Regarding claim 40, Cohen teaches the method of claim 38 wherein the plurality of tagged documents includes at least one documents to be applied to the first set of information to generate the second set of information suitable for audio output [Abstract; 0011-0012; 0035].

(New) Regarding claim 41, Cohen teaches the method of claim 1 wherein the step of generating the second set of information further comprises the step of executing voice application operations from the tagged document to generate the information suitable for audio output [Abstract].

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to teach “a system that generates web pages for audio browsing using a retrieved content page and a separate instruction page,” (page 12), and “how the pages in the compatible format are made” (page 14), the Patent Office respectfully submits that these are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to Applicant's argument that neither Cohen nor Saylor teach or suggest the claimed feature of "accessing a tagged document in response to receiving the first set of information; and generating a second set of information suitable for audio outputs based on the first set of information and the tagged document," the Patent Office respectfully submits that these limitations are taught in the combination of Cohen and Saylor. As cited above, [0035] teaches accessing a marked document in response to receiving the first set of information, and [Abstract; 0011-0012] teaches generating audio output based on the first set of the document. In this case, a "marked" document is interpreted as a "tagged" document as defined by Saylor in col. 18, lines 45-65.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

For the reasons stated above, the Patent Office maintains the rejection of independent claims as well as the dependent claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N Boutah whose telephone number is (703) 305-5104. The examiner can normally be reached on Monday-Thursday (9:00 am-7:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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